

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ASPEN AMERICAN INSURANCE COMPANY,  
as subrogee of 31ST STREET ZEF LLC,

Plaintiff,

23-cv-4850 (PKC)

-against-

ORDER

ALLSTATE SPRINKLER, LLC,

Defendant.  
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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

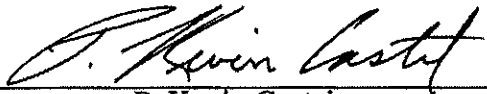
An action premised upon diversity of citizenship in which a limited liability company is a party must allege the citizenship of natural persons who are members of the limited liability company and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Handelsman v. Bedford Village Associates Ltd. Partnership, 213 F.3d 48, 51-52 (2d Cir. 2000) (citing Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998)).

Plaintiff Aspen American Insurance Company, as subrogee of 31<sup>st</sup> Street Zef LLC, brings this action invoking subject matter jurisdiction by reason of diversity of citizenship. The complaint alleges that “Defendant Allstate Sprinkler, LLC . . . was and is a domestic business corporation organized and existing under the laws of the State of New York, with a principal place of business located at 1869 White Plains Road, Bronx, New York 10462.” (ECF 1 ¶ 3.) Because a limited liability company, or LLC, is not a corporation, the allegation appears

internally inconsistent. If Allstate Sprinkler, LLC is a limited liability company, plaintiff must allege the citizenship of each member.

Within 14 days of this Order, plaintiff shall either (1) amend its complaint to allege the citizenship of each of member of Allstate Sprinkler, LLC, or (2) submit an affidavit with documentary evidence establishing that Allstate Sprinkler, LLC is a corporation rather than a limited liability company. If by this date plaintiff either fails to amend or is unable to amend to truthfully allege diversity of citizenship, or if plaintiff alternately fails to submit the required affidavit, then the action will be dismissed for lack of subject matter jurisdiction without further notice to any party.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
June 27, 2023